

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2004/012022

International filing date (day/month/year)
25.10.2004

Priority date (day/month/year)
30.10.2003

International Patent Classification (IPC) or both national classification and IPC
E04H9/02

Applicant
FERRARI, Marco

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/012022

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/012022

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	13-17
	No: Claims	1, 2, 4, 6-12, 18-21, 25-29, 31-34
Inventive step (IS)	Yes: Claims	13-17
	No: Claims	3, 5, 22-24, 30
Industrial applicability (IA)	Yes: Claims	1-34
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: US-A-3146979

D2: WO-A-00/37823

D3: US-A-3638377

D4: US-A-4330103

D5: JP-A-10038022

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1, 2, 4, 6-12, 18-21, 25-29, 31-34 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document): an isolator/dissipator for interfacing between the ground and supporting structures, which comprises a supporting base (10) that can be fixed to the ground and supports a contact base (12) that can be associated, by way of kinematic connection means (18), with a lower portion of at least one supporting upright (20) of a supporting structure, interface means (30) being provided between said contact base (12) and said supporting base (10) and being adapted to allow said contact base (12) to move with respect to said supporting base (10) at least along two directions that are parallel to the ground, return means (50) being provided which are adapted to control the relative movement between said contact base (12) and said supporting base (10), said return (50) means acting between said supporting base (10) and said contact base (12) (see column 2, line 23 - column 3, line 41, column 4, line 45 - column 5, line 51, figures).

Document D1 also discloses the additional features of claims 2, 6-9, 12, 31, 33.

Document D2 discloses the features of claims 1, 2, 6, 7, 12, 25, 26, 28, 29, 33, 34.

Document D3 discloses the features of claims 1, 2, 6, 10-12, 25, 26, 28, 29, 33, 34.

Document D4 discloses the features of claims 1, 2, 4, 6, 7, 10, 11, 18-21, 32, 33.

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Document D5 discloses the features of claims 1, 2, 7-9, 18-21, 26-29, 33, 34.

2.2 Dependent claims 3, 5, 22-24, 30 do not contain any features which, in combination with the feature of any claim to which they refer, meet the requirements of the PCT in respect of inventive step for the following reasons:

- the features of claims 3, 5, 22-24 are typical in devices of this type and therefore cannot be considered as contributing to patentable ingenuity; and
- the features of claim 30 represent an obvious design possibility (see e.g. document D4, column 2, lines 46-50, figure).

3. The subject-matter of claim 13, wherein the "disk-like element" is understood as meaning a frusto-conical element with a first edge (10a) that can be fixed to said contact base (5) and a second edge (10b) that can be fixed to said supporting base (3), is new.

It also provides an inventive step because the frusto-conical element uses the stretching properties of the material it is made of, rather than its shear properties as known from the returning means of the state of the art, allowing greater relative lateral movement of the contact base and the supporting base.

Claims 14-17 dependent upon claim 13 are also new and inventive.

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